

REMARKS/ARGUMENTS

Claims 1-10 are pending herein. Claims 1-10 have been amended to correct matters of form and for clarification purposes only. In addition, independent claim 1 has also been amended to recite that the plurality of holes each have the same size and that the mixing tube comprises a soft thermoplastic resin that can be squeezed over its entirety with a predetermined force. Applicant respectfully submits that support for rewritten claim 1 can be found in Figs. 3 and 6, and on pages 4-6 of the present specification, for example, and that no new matter has been added.

1. Applicant hereby affirms the provisional election, made with traverse on October 24, 2005, to prosecute claims 1-6. Applicant respectfully submits, however, that withdrawn claims 7-10 should be rejoined, reconsidered and allowed for the reasons explained below.

2. Claims 1-6 were rejected under §103(a) over Fowler. Applicant respectfully traverses this rejection.

Independent claim 1 now recites, among other things, that the mixing tube comprises a soft thermoplastic resin that can be squeezed over its entirety with a predetermined force.

Applicant respectfully submits, however, that there is no disclosure or suggestion in the applied reference of any such mixing tube made from a soft thermoplastic resin that can be squeezed to achieve the desired mixing effect for a plurality of different materials to be mixed. To the contrary, Applicant respectfully submits that Fowler actually suggests that the mixer should be made of an inert material having a rigid block shape that is etched or machined (see, for example, Col. 7, lines 28-50 of Fowler).

Withdrawn dependent claims 7 and 10, which relate to methods of manufacturing the mixing tube according to the present invention, also recite that the

first frame member, the second frame member and the partition member are made from a thermoplastic resin. Since the independent claim from which these withdrawn claims depend defines patentable subject matter over the applied reference, Applicant respectfully submits that claims 7-10 likewise define patentable subject matter at least by virtue of their respective dependencies from independent claim 1.

For at least the foregoing reasons, Applicant respectfully submits that all claims pending herein define patentable subject matter over the applied references, and respectfully requests that the above rejection be reconsidered and withdrawn.

If the Examiner believes that contact with Applicant's attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicant's attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

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Date

Respectfully submitted,



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